

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPR) NO. 320 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 239 OF 2019

(Sanjay s/o Vijay Raut

Vs.

Ashlesha Power Control Limited, Thr. Its Managing Director, Bipin
Harnarayan Dhoot & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Dhore, Advocate for the Applicant.
Shri S.D. Sirpurkar, APP for the Respondent No.2-State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 26th February, 2020.

CRIMINAL APPLICATION (APPR) NO. 320 OF 2019

By this Application, the Applicant prays for suspension of jail sentence imposed upon him by the learned Judicial Magistrate First Class, Akola, District Akola on 29.03.2014 in Summary Criminal Case No. 2289/2011 and upheld by the Additional Sessions Judge, Akola on 30.08.2019 in Criminal Appeal No.42/2014, and to release him on bail.

2. The Applicant – Accused is convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned Judicial Magistrate First Class, Akola, District Akola and sentenced to suffer simple imprisonment for one

year and to pay a fine of Rs.5,000/- and in default of payment of fine, further S.I. for 15 days. The accused was further directed to deposit an amount of Rs.3,15,000/- in the Court, in seven equal installments within seven months, by way of compensation, to be paid to the complainant, in default of each installment, sentenced to suffer further simple imprisonment for two months.

3. I have heard Shri A.S. Dhore, the learned Advocate for the Applicant and Shri S.D. Sirpurkar, the learned APP for the Respondent No. 2 – State.

4. The Applicant is on bail during the pendency of trial before the learned Judicial Magistrate First Class, Akola, District Akola as well as during the pendency of Criminal Appeal before the learned Sessions Court, Akola. The learned Advocate for the Applicant submits that Applicant has deposited the amount of Rs.78,750/-, i.e. 25% of the compensation amount in the trial court.

5. The learned APP has formally opposed to grant suspension of sentence and grant of bail to the Applicant.

6. Considering the nature of offence, the fact that during the trial period the Applicant is on bail and also considering the contention of the learned Advocate for the Applicant that talks of

settlement are going on between the parties, the Applicant needs to be released on bail and sentence is required to be suspended. Hence the following order.

ORDER

- (i) Criminal Application No. 320 of 2019 is **allowed**.
- (ii) The substantive jail sentence imposed against the Applicant by the learned Judicial Magistrate First Class, Akola, District Akola on 29.03.2014 in Summary Criminal Case No. 2289/2011 and upheld by the Additional Sessions Judge, Akola on 30.08.2019 in Criminal Appeal No.42/2014 shall remain suspended during the pendency of the present Criminal Revision.
- (iii) The Applicant shall be released on bail by executing fresh bond in the sum of Rs.15,000/- in the trial court.

7. The Criminal Application stands **disposed** of accordingly.

(MRS. SWAPNA JOSHI, J.)